HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.20467 of 2004

Dated this the 24th day of December, 2007

Between:

Samsani Subbarayudu
and another … Petitioners

AND

The Assistant Commissioner of
Endowments, Kadapa. … Respondent

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.20467 of 2004

ORDER:

This Writ Petition has been filed by the petitioners seeking to declare that the impugned notification dated 16.10.2004 issued by the respondent-Assistant Commissioner of Endowments, Kadapa District is illegal, arbitrary and beyond jurisdiction and also violative of Articles 14 and 21 of the Constitution of India.

2) The petitioner contends that Sri Veeranjaneya Swamy Temple situated at Vishwanathapur, Choupada Mandal, Kadapa District is a private temple. The respondent without any jurisdiction issued the impugned notification seeking applications from the public to consider their names for appointment as trustees for the temple. The petitioners challenged the said notification through this writ petition by contending that it is a private temple.

3) The learned Government Pleader for Endowments appearing on behalf of the respondent submitted that it is a temple notified under Section 6 (c) of the Endowments Act. Therefore, the respondent-Assistant Commissioner has every right to take steps for

appointment of trustees for Trust Board of the said temple.

4) The learned Government Pleader for Endowments has not produced any proceedings or any document notifying that it is a registered temple. Since there is a disputed question of fact, the impugned notice cannot be automatically quashed. However, it is for the petitioners to verify whether it is a temple registered under the Act or not. If it is not registered, the Assistant Commissioner will have no jurisdiction to call for the applications from the persons to be appointed as trustees for Trust Board of the said temple. If the authorities have any record that the temple has been registered under 6 (c) of the Act, they are directed to mention the registration number in the notification and issue a fresh notification. If the petitioners are aggrieved by such notification, they are at liberty to question such action under the provisions of the Act.

5) Accordingly, the Writ Petition is disposed of.

No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 24-12-2007
lsn